



U.S. Department
of Transportation
**Federal Aviation
Administration**

JUN -9 2015

Mr. B. Dan Crowe Jr.
President
Palm Beach Helicopters
2615 Lantana Rd.
Lantana, FL 33462

Re: Request for Interpretation on Whether a Private Pilot Applicant Must Have a Medical Certificate Under 14 C.F.R. § 61.39(a)(4) Under Various Training and Examination Circumstances

Dear Mr. Crowe:

This letter responds to your February 6, 2015, request for a legal interpretation on whether a private pilot applicant must have a valid medical certificate under 14 C.F.R. § 61.39(a)(4) under various training and examination circumstances. In your letter you asked four questions and in a follow-up letter dated February 7, 2015, you asked a fifth question: (1) whether a private pilot applicant must have a medical certificate under § 61.39(a)(4) if the examiner agrees to serve as pilot-in-command under § 61.47(b)(1); (2) whether a private pilot applicant must have a medical certificate in order to take an end-of-the-course test administered by a Chief Flight Instructor under part 141 Appendix B in a course with examining authority; (3) whether the FAA may issue a private pilot certificate under the above circumstances; (4) whether a student may enroll and train in the flight portion of a part 141 Appendix B approved course without a medical certificate, excluding the solo portion of the training course; and (5) whether a second-class medical certificate issued with the limitation "valid for student pilot purposes only" is sufficient to meet the prerequisites in order to take a private pilot practical test. We will address each of your questions in more detail below.

Your first question was whether, under § 61.39(a)(4), a private pilot applicant must have a medical certificate during a private pilot practical test if the examiner agrees to serve as pilot-in-command under § 61.47(b)(1). The short answer is yes. Section 61.39(a)(4) requires that an applicant "hold at least a third-class medical certificate, if a medical certificate is required," as a prerequisite for a practical test. Section 61.23(a)(3)(vi) requires that an applicant "must hold at least a third-class medical certificate when taking a practical test in an aircraft for a recreational pilot, private pilot, commercial pilot, or airline pilot certificate." Therefore, under § 61.39(a)(4), in conjunction with § 61.23(a)(3)(vi), an applicant must have at least a third-class medical certificate during a private pilot practical test. The regulations make no distinction between the examiner acting as pilot-in-command or the applicant acting as pilot-in-command. Therefore, a private pilot applicant must have at least a third-class medical certificate under § 61.39(a)(4) and § 61.23(a)(3)(vi) in order to take a practical test, even if the examiner agrees to serve as pilot-in-command during the practical test.

Your second question was whether a private pilot applicant must have a medical certificate in order to take an end-of-the-course test administered by a Chief Flight Instructor under part 141 Appendix B in a course for which the pilot school holds examining authority. The short answer is yes. Section 61.39(a)(4) requires that an applicant “hold at least a third-class medical certificate, if a medical certificate is required,” as a prerequisite for a practical test and § 61.23(a)(3)(vi) requires that an applicant “must hold at least a third-class medical certificate when taking a practical test in an aircraft for a recreational pilot, private pilot, commercial pilot, or airline pilot certificate.” An end-of-the-course test under part 141 Appendix B is a practical test, if the pilot school holds examining authority. Therefore, under § 61.39(a)(4) and § 61.23(a)(3)(vi), an applicant must have at least a third-class medical certificate in order to take an end-of-the-course test.

Your third question was whether the FAA may issue a private pilot certificate to an applicant who does not have a medical certificate. The short answer is no. Section 61.39(a)(4), in conjunction with § 61.23(a)(3)(vi), require that an applicant for a practical test have at least a third-class medical certificate. As explained above, an applicant may not take the private pilot practical test without at least a third-class medical certificate. Therefore, the FAA may not issue a private pilot certificate under the above circumstances because, without a medical certificate, the applicant is not eligible for the practical test necessary to obtain a private pilot certificate.

Your fourth question was whether a student may enroll and train in the flight portion of a part 141 Appendix B approved course, excluding the solo portion of the training course, without a medical certificate. The short answer is yes. Excluding the solo portions of the training, an applicant may enroll in, train in, and complete the flight portion of a part 141 Appendix B approved course without a medical certificate, with a Certificated Flight Instructor aboard the aircraft. Therefore, an applicant may enroll in and train in the flight portion of a part 141 Appendix B approved training course without a medical certificate; however, the applicant would be unable to complete all of the required training because the applicant may not fly solo.

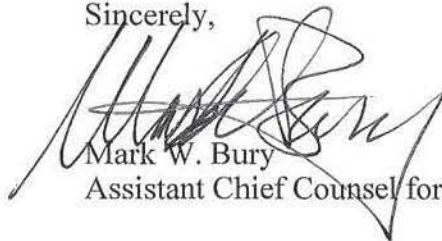
Your fifth question was whether a second-class medical certificate issued with the limitation “valid for student pilot purposes only” is adequate to meet the prerequisites in order to take a private pilot practical test. The short answer is no. A medical certificate with the limitation “valid for student pilot purposes only” has a validity period tied to its use for “student pilot purposes.” When an applicant advances to the point of taking the private pilot practical test, which is not a “student pilot purpose,” then the medical certificate reaches the end of its validity period and the applicant must complete a medical flight test (MFT) in order to satisfy the requirements of § 67.401(a). Section 67.401(a) states that:

At the end of its specified validity period, for grant of a new Authorization, the person must again show to the satisfaction of the Federal Air Surgeon that the duties authorized by the class of medical certificate applied for can be performed without endangering public safety during the period in which the Authorization would be in force.

Therefore, a second-class medical certificate issued with the limitation "valid for student pilot purposes only" is not adequate to meet the prerequisites in order to take a private pilot practical test and an applicant must complete an MFT before taking the private pilot practical test.

This response was prepared by Benjamin Borelli, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Airman Certification and Training Branch (AFS-810) of the Flight Standards Service and with the Aerospace Medical Certification Division (AAM-300). If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark W. Bury", is written over the printed name and title.

Mark W. Bury
Assistant Chief Counsel for Regulations